

RESPONSE AND REMARKS

A telephone interview between Marilyn R. Khorsandi, attorney of record for the present application, and Examiner Webb, on Monday, September 25, 2006, is gratefully acknowledged. In the telephone interview, the below-outlined circumstances were discussed in general terms. In the telephone interview, Examiner Webb proposed that a Response After Final documenting the below-outlined circumstances be filed. Accordingly, this Response After Final is respectfully submitted.

The present Office Action, dated June 26, 2006, issued subsequent to a Notice of Panel Decision withdrawing a previous Final rejection, dated December 7, 2005, and re-opening prosecution.

In the December 7, 2005 Office Action, a Final rejection, for the above-identified application, Claims 1, 3, 4 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,631,827; "Nicholls") in view of Robbins (Published U.S. Patent Application, Publication No. US 2005/0246359; "Robbins"); Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls and Robbins as applied to Claim 1, and further in view of Kara et al. (U.S. Patent No. 6,233,568; "Kara"), and Barnett (U.S. Patent No. 6,369,840; "Barnett"); Claims 7, 9, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls in view of Kara; Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls and Kara as applied to Claim 9, and further in view of Robbins.

Subsequent to the December 7, 2006 Final Office Action, a Pre-Appeal Brief Request for Review was filed. In the Pre-Appeal Brief Request for Review, among other things, citations were submitted to priority documents to which the present application claims priority to show that Robbins is not prior art. For example, in the Pre-Appeal Brief Request for Review, it was respectfully submitted that the earliest priority date (February 9, 2000) of the Robbins reference (a continuation application) does not pre-date either the October 6, 1999 filing date of U.S. Provisional Patent Application Serial No. 60/158,179 (the "179 Application") or the December 10, 1999 filing date of U.S. Provisional

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Patent Application Serial No. 60/170,186 (the "186 Application") to which, among others, the present application claims priority. Further, it was respectfully submitted that the '179 Application' and the '186 Application' disclosed all of the features for which the Robbins reference was cited and support the claims of the present application.

In the Pre-Appeal Brief Request for Review, it was respectfully submitted that the specification of the '179 Application' disclosed functionally aligned server computers and supports the Claims of the present application. See, e.g., the '179 Application', page 15, line 33 - page 17, line 4; FIG. 2a (including elements 10, 12, 13, 14, 15, 16). Further, it was respectfully submitted that the specification of the '179 Application', disclosed a tracking server and further supports the Claims of the present application. See, e.g., the '179 Application', page 16, lines 8 - 10; FIG. 2a, element 12.

In the Pre-Appeal Brief Request for Review, it was further respectfully submitted that the specification of the '186 Application' disclosed tracking features of an Internet-based shipping management system and yet further supports the Claims of the present application. See, e.g., the '186 Application', page 12, lines 6 - 23; page 16, lines 5 - 32; FIG. 3a (including elements 21a through 21n).

Because Robbins is not prior art, it was therefore respectfully submitted that the December 7, 2006 Office Action failed to show, as required under MPEP §2143, how the cited references, even when combined, disclose, anticipate, teach or suggest each of the limitations of each of Claims 1 (independent), 2-4 (dependent on Claim 1), 6 (independent), or 10 (dependent on Claim 9).

In the Pre-Appeal Brief Request for Review, it was further respectfully submitted that, as compared to limitations of, for example, Claim 2, neither Nicholls nor Kara disclose, anticipate, teach or suggest "... generating a ... simultaneous cross-comparison display of respective shipping rates for each delivery service offered by each carrier of the plurality of carriers that would ship the respective parcel ...". Rather, as shown in, e.g., FIG. 4A of Nicholls, Nicholls discloses that either "...the service is selected [by the user] from the Service box ..." or that "...the service may be set to Best Way and the system will choose the

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least cost carrier which meets the transit time requirements indicated in the commitment field". See Nicholls, Col 7, lines 53-60.

In the Pre-Appeal Brief Request for Review, it was further respectfully submitted that, similar to Nicholls, Kara discloses a user pre-selection of a particular delivery service and a subsequent display of carrier-specific rates for the pre-selected delivery service adjacent to an identifier of the respective carrier. See, e.g., Kara, Figure 8A; Kara, col. 5, lines 56 – col. 6, line 6; Kara, col. 22, lines 21-48 (disclosing a "... program [that] automatically calculates the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters ...*" Kara, col. 22, lines 39 – 42 (emphasis added)).

Yet further, for reasons similar to those described above regarding the rejection of Claim 2 with respect to Nicholls and Kara, it was respectfully asserted in the Pre-Appeal Brief Request for Review, that Claims 7, 9 and 31 of the present application recite limitations for which neither Nicholls, nor Kara, even when combined, disclose, anticipate, teach or suggest.

Subsequent to the Pre-Appeal Brief Request for Review, a Notice of Panel Decision issued, withdrawing the December 7, 2006 Final rejection and re-opening prosecution of the above-identified application.

Subsequent to the Notice of Panel Decision withdrawing the December 7, 2005 Final Rejection, and re-opening prosecution, another Office Action, dated June 26, 2006, issued, and was also designated a Final rejection. With the exception of the grounds for rejecting Claim 2, it is respectfully submitted that the grounds for rejecting the Claims given in the June 26, 2006 Final Office Action are identical to the grounds for rejecting the Claims in the December 7, 2005 Final Office Action. In the June 26, 2006 Final Office Action, Claims 1, 3, 4 and 6 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,631,827; "Nicholls") in view of Robbins; Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls and Robbins as applied to Claim 1, and further in view of "Kara", and Thiel (U.S. Patent No. 5,699,258; "Thiel"); Claims 7, 9, and 31 were rejected under 35

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U.S.C. § 103(a) as being unpatentable over Nicholls in view of Kara; Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nicholls and Kara as applied to Claim 9, and further in view of Robbins.

It is respectfully submitted that for the reasons given in the Pre-Appeal Brief Request for Review, and for those reasons again outlined above, Robbins is not prior art. It is therefore respectfully requested that the Final Office Action dated June 26, 2006 be withdrawn.

In addition, it is further respectfully submitted that, for the reasons given in the Pre-Appeal Brief Request for Review, that the cited references even when combined, do not disclose, anticipate, teach or suggest each of the limitations of each of the rejected Claims.

CONCLUSION

For the above-given and above-referenced reasons, it is respectfully submitted that the invention disclosed and claimed in the present application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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